

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUGUSTUS SIMMONS,

Petitioner,

v.

JOHN D. WETZEL, *et al.*,

Respondents.

CIVIL ACTION
NO. 17-03704

ORDER

AND NOW, this 30th day of November, 2018, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Carol Sandra Moore Wells, (ECF No. 15), and Augustus Simmons' objections thereto, (ECF No. 17), it is hereby **ORDERED** that:

1. Simmons' objections are **OVERRULED** and Magistrate Judge Wells' Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Simmons' Petition for a Writ of Habeas Corpus is **DENIED** and **DISMISSED** without an evidentiary hearing;
3. No certificate of appealability shall issue¹ and
4. This case shall be **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.

¹ No reasonable jurist would disagree with the Court's disposition of Simmons' claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).